

Appl. No. 10/662,073
Amdt. dated June 16, 2006
Reply to Office Action of March 16, 2006

Amendments to the Drawings:

The attached sheets of drawings includes changes to Figure 7 and the addition of Figure 9 and Figure 10. The first sheet, which includes Figure 7 and Figure 8 replaces the original sheets including Figure 7 and Figure 8. The second sheet is an annotated sheet including Figure 7 and Figure 8 showing changes to Figure 7. The third sheet is a new drawing sheet which includes Figure 9 and Figure 10.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

New Sheet

REMARKS/ARGUMENTS

Applicants' attorney thanks the Examiner for her comments and thoughtful analysis of the present application. Claims 1-26 are presented for the Examiner's consideration. Independent claims 1, 12 and 23 have been amended to delete the feature of "a Drop Penetration Value of about 2 seconds or less, and a ½ Float Saturation of about 50% or less" for the superabsorbent material. Applicants have added to claims 1, 12 and 23 the features of "a degree of neutralization of about 70% for the superabsorbent material. Applicants have also added to claim 1, 12 and 23 the feature of the superabsorbent material has been neutralized from about 30 mole % to about 65 mole % with a monovalent metal hydroxide, and from about 5 mole % to about 40 mole % with a divalent metal hydroxide. Support for these amendments can be found in the Examples, as well as the disclosure in the Examples of sodium hydroxide (a monovalent metal hydroxide), and calcium hydroxide and magnesium hydroxide (both divalent metal hydroxides) as neutralizing agents. Applicants have also added to claim 1, 12 and 23 the feature of a Drop Penetration Value of about 2 seconds or less as measured by the Saline Drop Penetration Test for the absorbent composite. Support for this amendment can be found on page 28, line 20 to page 31, line 34. Claims 10 and 21 have been amended to replace the phrase "materials are" with the phrase "material is." Claims 24-26 are new. Support for these claims can be found in the Examples. Claim 11 has been canceled.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

By way of the Office Action mailed March 16, 2006, the Examiner has objected to the drawings because the section lines shown in Figure 2 and those described on page 4 are inconsistent. Applicants have amended the specification on page 4 such that the brief description of Figure 3 now references section line "3-3" (rather than "B-B") and the brief description of Figure 4 now references section line "4-4" (rather than "A-A"). Support for these amendments can be found

in Figure 3 and Figure 4, respectively. Applicants believe that these amendments overcome the objection. Applicants respectfully request that this objection be withdrawn.

By way of the Office Action mailed March 16, 2006, the Examiner has objected to the drawings because Figure 6 is inconsistent with page 32, lines 11-14. Applicants have amended the specification by replacing the paragraph on page 32 beginning at line 4 such that the word "arrows" now states "lead lines." Support for this amendment can be found in Figure 6. Applicants believe that this amendment overcomes the objection. Applicants respectfully request that this objection be withdrawn.

By way of the Office Action mailed March 16, 2006, the Examiner has objected to the drawings because Figure 7 should be dashed to denote underlying structure. A replacement sheet of drawings including changes to Figure 7 and original Figure 8 has been provided. Applicants believe that this amendment overcomes the objection. Applicants respectfully request that this objection be withdrawn.

By way of the Office Action mailed March 16, 2006, the Examiner has objected to the drawings. In particular, the Examiner has stated that the composite, product and garment must be shown. Applicants respectfully submit that one of ordinary skill in the art would clearly understand the incorporation of superabsorbent material of the present invention into an absorbent composite, a disposable product or an absorbent disposable garment without the need for such drawings. However, the Examiner's concern is appreciated and Applicants respectfully note that Figure 8 exhibits an absorbent composite as denoted by reference number 701. In addition, Applicants have included a new sheet of drawings containing Figures 9 and Figure 10, which are directed to a disposable product, such as an absorbent disposable garment. A brief description of Figure 9 and Figure 10 has been appended to the specification on page 4, and a detailed description of these figures has been appended to the specification on page 25. Support for the new figures and

amendments to the specification can be found in U.S. Patent No. 4,710,187 to Boland et al., which was previously incorporated by reference as demonstrated in the specification on page 10, lines 15-19. No new matter has been added by the addition of Figure 9 and Figure 10, or by the corresponding description added to the specification. Applicants believe that the newly added figures and amendments to the specification overcome the objection. Applicants respectfully request that this objection be withdrawn.

By way of the Office Action mailed March 16, 2006, the Examiner has objected to the Abstract because terminology which can be inferred should be avoided. Applicants have revised the paragraph on page 44 at line 5 (i.e., the Abstract) as required by the Examiner. Applicants believe that this amendment overcomes the objection. Applicants respectfully request that this objection be withdrawn.

By way of the Office Action mailed March 16, 2006, the Examiner has objected to the use of trademarks showing both capital letters and the trademark symbol. Applicants have corrected the usage of the trademark LEXAN by removing the trademark symbol. Applicants have further corrected several other trademark usages as well. Applicants believe that these amendments overcome the objection. Applicants respectfully request that this objection be withdrawn.

By way of the Office Action mailed March 16, 2006, the Examiner has requested that the language of page 6, lines 13 and 33 be revised to eliminate terms that are unclear, inexact or verbose. Applicants have amended page 6, line 13 to replace the word "allows" with the word "allow." However, Applicants are unsure as to the requested change regarding page 6, line 33 and do not believe that a revision is necessary. Applicants believe that amended page 6, line 13 and page 6, line 33 are in compliance with 35 U.S.C. § 112. Applicants respectfully request that this objection be withdrawn.

By way of the Office Action mailed March 16, 2006, the Examiner has objected to the Summary of the Invention because a description of the claimed invention and the invention of the claims are allegedly not commensurate in scope. Applicants have amended the specification on page 3 starting at line 4 to disclose a Drop Penetration Value of about 2 seconds or less for the *absorbent composites* of the present invention and to remove the disclosure of a ½ Float Saturation of about 50% or less. Support for this amendment can be found on page 28, line 20 to page 31, line 34. Applicants believe that this amendment overcomes the objection. Applicants respectfully request that this objection be withdrawn.

By way of the Office Action mailed March 16, 2006, the Examiner has objected to the disclosure at page 3, lines 1-7. Applicants have amended the Summary in the specification to replace each occurrence of the word “materials” with the word “material.” Applicants believe that this amendment overcomes the objection. Applicants respectfully request that this objection be withdrawn.

By way of the Office Action mailed March 16, 2006, the Examiner has objected to the disclosure at page 32, lines 11-14 as not being consistent with the Figures. Applicants have amended the specification by replacing the paragraph on page 32 beginning at line 4 with an amended paragraph such that the word “arrows” now states “lead lines.” Support for this amendment can be found in Figure 6. Applicants believe that this amendment overcomes the objection. Applicants respectfully request that this objection be withdrawn.

By way of the Office Action mailed March 16, 2006, the Examiner has objected to claims 10 and 21 for the informality of using the word “materials” rather than the word “material.” Applicants have amended claims 10 and 21 as the Examiner has required. Applicants believe that this amendment overcomes the objection. Applicants respectfully request that this objection be withdrawn.

By way of the Office Action mailed March 16, 2006, the Examiner has objected to claim 11 stating that the preamble is inconsistent with that of claim 1 from which it depends. Applicants have canceled claim 11. Applicants respectfully request that this objection be withdrawn.

By way of the Office Action mailed March 16, 2006, the Examiner rejected claims 1-23 under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the enablement requirement. This rejection is respectfully traversed to the extent that it may apply to the presently presented claims.

Applicants have canceled claim 11.

Applicants have amended independent claims 1, 12 and 23 to delete the feature that the superabsorbent material has a Drop Penetration Value of about 2 seconds or less, and a $\frac{1}{2}$ Float Saturation of about 50% or less. In addition, Applicants have added to claims 1, 12 and 23 the structural features of a superabsorbent material having a degree of neutralization of about 70%, and wherein the superabsorbent material has been neutralized from about 30 mole % to about 65 mole % with a monovalent metal hydroxide, and from about 5 mole % to about 40 mole % with a divalent metal hydroxide. Support for this amendment can be found in the Examples, as well as the disclosure in the Examples of sodium hydroxide (a monovalent metal hydroxide), and calcium hydroxide and magnesium hydroxide (both divalent metal hydroxides) as neutralizing agents. Applicants have further added to claims 1, 12 and 23 the feature of the absorbent composite exhibiting a Drop Penetration Value of about 2 seconds or less as measured by the Saline Drop Penetration Test. Support for this amendment can be found on page 28, line 20 to page 31, line 34. Applicants believe that this amendment overcomes the rejection of independent claims 1, 12 and 23 under 35 U.S.C. § 112, first paragraph. As to claims 2-11 and 13-22, these claims are dependent on independent claims 1, 12 and 23, and therefore include all of the limitations of amended claims 1 and 12. Applicants believe that the amendments to claims 1 and 12 also overcome the rejection of claims 2-11 and 13-22 under 35 U.S.C. § 112, first paragraph as well.

In addition, the Examiner has stated that the Drop Penetration Value does not evaluate the superabsorbent material alone as claimed. In response, Applicants have removed this feature from the claims. Applicants respectfully submit that this rejection of claims 1-23 has been overcome.

The Examiner has further stated that the property “½ Float Saturation” is not calculated or measured. While ½ Float Saturation is in fact calculated and measured, as seen in Table 1 for example, Applicants have removed this feature from the claims. Applicants respectfully submit that this rejection of claims 1-23 has been overcome.

The Examiner has also stated that the FAUZL test is not clear and that equipment has not been set forth for measurements of 200 minutes. In response, Applicants have deleted the paragraph at page 31, line 13, and have amended the paragraphs at page 31, line 15; page 31, line 18; page 31, line 27 and page 31, line 33 to make the test procedure more clear. No new matter has been added. In addition, Applicants respectfully submit that it would be readily apparent to one of ordinary skill in the art to use a timer that can measure 200 minutes for instances where a measurement of 200 minutes is appropriate. Applicants respectfully submit that this rejection of claims 1-23 has been overcome.

The Examiner has also cited Ex Parte Slob with respect to the superabsorbent material, composites and articles of the present invention. Ex parte Slob states that the claim for a liquefiable substance was “too broad and indefinite since it purports to cover everything which will perform the desired functions regardless of its composition...” Applicants submit that claims 1-10 and 12-23 do not fall within the same circumstances as Ex parte Slob. In contrast to Ex parte Slob, Applicants’ amended independent claims have features which require a specific Absorption Time, a specific liquid capacity, a specific degree of neutralization, and a specific Drop Penetration Value. In addition, the amended claims also require neutralization with both a monovalent metal hydroxide and a divalent metal hydroxide. The composites, disposable products and disposable absorbent garments of the present invention must contain the structure and properties as claimed, as discussed above, making them relatively narrow as compared to the claims of Ex parte Slob. Dependent claims 2-10 and 12-22 add even further limitations to the invention. Thus, it can be seen that claims 1-10 and 12-23 do not fall under the scenario of Ex parte Slob, but in fact meet the requirements of

35 U.S.C. § 112. For at least these reasons, Applicants respectfully submit that this rejection of claims 1-23 has been overcome.

Applicant respectfully requests that the rejection of these claims under 35 U.S.C. § 112, first paragraph be withdrawn.

By way of the Office Action mailed March 16, 2006, the Examiner rejected claims 1-23 under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. This rejection is respectfully traversed to the extent that it may apply to the presently presented claims.

Applicants have canceled claim 11.

The Examiner states that similarly to the previous 35 U.S.C. § 112, first paragraph rejection discussed above, the tests which are essential have not been disclosed sufficiently, there is a lack of disclosure or claiming of any specific composite or end product composition, and the claims are too broad. In response, as discussed above, the test methods are in fact sufficiently disclosed, and in one instance have been amended to provide further clarity. No new matter has been added. In addition, as discussed above, Applicants have amended the claims to include further structural features. Thus, each of these items posited by the Examiner for this rejection have been addressed above. Applicants respectfully submit that this rejection of claims 1-23 has been overcome.

In addition, the Examiner has stated that by use of the word “may,” one of ordinary skill in the art would recognize this as not having possession of the claimed invention. Applicants respectfully disagree. The word “may” shows that a feature can be present and can be absent. This in turn means that the inventor possesses both alternatives. The specification can be broader than the claims, and the specification can include features that are not explicitly recited in the claims. Therefore, Applicants respectfully submit that one of ordinary skill in the art would not recognize the use of the word “may” as not having possession of the claimed invention. Applicants respectfully submit that this rejection of claims 1-23 has been overcome.

Applicants respectfully request that this rejection of claims 1-23 be withdrawn.

By way of the Office Action mailed March 16, 2006, the Examiner rejected claims 1-23 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. This rejection is respectfully traversed to the extent that it may apply to the presently presented claims.

Applicants have canceled claim 11.

The Examiner states that the reasons are set forth supra, that the claims are indefinite, vague and too broad, and to see Ex Parte Slob. Applicants have addressed each of these rejections through the amendments and discussions of the 35 U.S.C. § 112, first paragraph rejections, as set forth above. Applicants respectfully submit that this rejection of claims 1-23 has therefore been overcome. Applicants respectfully request that this rejection of claims 1-23 be withdrawn.

By way of the Office Action mailed March 16, 2006, the Examiner rejected claims 1-4 under 35 U.S.C. § 102 as allegedly being anticipated by, or in the alternative, under 35 U.S.C. § 103 as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over PCT Publication Number WO 01/41818 to Wilson. This rejection is respectfully traversed to the extent that it may apply to the presently presented claims.

Applicants have amended independent claim 1 to delete the feature that the superabsorbent material has a Drop Penetration Value of about 2 seconds or less, and a ½ Float Saturation of about 50% or less. Applicants have also added the structural features of the superabsorbent material having a degree of neutralization of about 70%, and wherein the superabsorbent material has been neutralized from about 30 mole % to about 65 mole % with a monovalent metal hydroxide, and from about 5 mole % to about 40 mole % with a divalent metal. Support for this amendment can be found in the Examples, as well as the disclosure in the Examples of sodium hydroxide (a monovalent metal hydroxide), and calcium hydroxide and magnesium hydroxide (both divalent metal hydroxides) as neutralizing agents. Applicants have further added the feature of the absorbent composite exhibiting a Drop Penetration Value of about 2 seconds or less as measured by the Saline

Drop Penetration Test. Support for this amendment can be found on page 28, line 20 to page 31, line 34.

WO 01/41818 (hereinafter referred to as "Wilson") does not disclose an absorbent composite comprising a superabsorbent material having a degree of neutralization of about 70%, wherein the superabsorbent material has been neutralized from about 30 mole % to about 65 mole % with a monovalent metal hydroxide and from about 5 mole % to about 40 mole % with a divalent metal hydroxide, as required by Applicant's amended independent claims 1. In addition, Wilson requires the use of a polyvalent metal coordination compound for his invention to work, which is not a requirement of the present invention. (See e.g., Wilson, page 4, lines 1-3)

Therefore, with respect to independent claim 1, each and every element of the present invention is not disclosed by Wilson, as required by MPEP § 2131. In addition, Wilson does not teach or suggest all the claim limitations of the present invention, and there is no suggestion or motivation, either in Wilson or in the knowledge generally available to one of ordinary skill in the art, to modify Wilson as such, as required by MPEP § 2142. Therefore, there would not be a reasonable expectation of success to arrive at Applicants' invention from the disclosure of Wilson.

With respect to dependent claims 2-4, these claims are not anticipated nor obvious over the cited references since they are dependent upon a patentable independent claim, as discussed above. *See e.g., In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). For at least these reasons, Applicants respectfully submit that this rejection of dependent claims 2-4 has been overcome.

It is believed that the Examiner has also rejected claims 5-23 under 35 U.S.C. § 102 as allegedly being anticipated by, or in the alternative, under 35 U.S.C. § 103 as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over PCT Publication Number WO 01/41818 to Wilson, in further view of US 5,149,335 to Kellenberger et al., US 5,147,343 to Kellenberger, US 4,798,603 to Meyer et al., US 5,520,673 to Yarbrough et al. and US 5,728,082 to Gustafsson et al. Although this is not entirely clear, Applicants will respectfully proceed as such.

Applicants have canceled claim 11.

Applicants have amended independent claims 12 and 23 to delete the feature that the superabsorbent material has a Drop Penetration Value of about 2 seconds or less, and a ½ Float Saturation of about 50% or less. Applicants have also added the structural features of a superabsorbent material having a degree of neutralization of about 70%, and wherein the superabsorbent material has been neutralized from about 30 mole % to about 65 mole % with a monovalent metal hydroxide, and from about 5 mole % to about 40 mole % with a divalent metal. Applicants have further added the feature of the absorbent composite exhibiting a Drop Penetration Value of about 2 seconds or less as measured by the Saline Drop Penetration Test. Support for these amendments is described above.

Wilson does not disclose a disposable product or a disposable absorbent garment comprising superabsorbent material having a degree of neutralization of about 70%, wherein the superabsorbent material has been neutralized from about 30 mole % to about 65 mole % with a monovalent metal hydroxide and from about 5 mole % to about 40 mole % with a divalent metal hydroxide, as required by Applicant's amended independent claims 1. In addition, Wilson requires the use of a polyvalent metal coordination compound for his invention to work, which is not a requirement of the present invention. (See e.g., Wilson, page 4, lines 1-3). Kellenberger et al. '335, Kellenberger '343, Meyer et al. '603, Yarbrough et al. '673 and Gustafsson et al. '082 do not overcome the deficiencies of Wilson.

Therefore, with respect to independent claims 12 and 23, each and every element of the present invention is not disclosed by Wilson, as required by MPEP § 2131. In addition, Wilson does not teach or suggest all the claim limitations of the present invention, and there is no suggestion or motivation, either in Wilson in view of Kellenberger et al. Kellenberger, Meyer et al., Yarbrough et al. and Gustafsson et al., or in the knowledge generally available to one of ordinary skill in the art, to modify Wilson as such, as required by MPEP § 2142. Therefore, there would not be a reasonable expectation of success to arrive at Applicants' invention from the disclosure of Wilson in view of Kellenberger et al. Kellenberger, Meyer et al., Yarbrough et al. and Gustafsson et al. Therefore, Applicants respectfully submit that this rejection of independent claims 12 and 23 has been overcome.

With respect to dependent claims 5-10 and 13-22, these claims are not anticipated nor obvious over the cited references since they are each dependent upon a patentable independent claim, as discussed above. *See e.g., In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). For at least these reasons, Applicants respectfully submit that this rejection of dependent claims 5-10 and 13-22 has been overcome.

Applicants respectfully request that this rejection of claims 1-23 be withdrawn.

By way of the Office Action mailed March 16, 2006, the Examiner provisionally rejected claims 1-4 on the ground of nonstatutory obviousness-type double patenting over pending Application No. 10/660,982. The invention of Application No. 10/660,982 is directed to a superabsorbent polymer per se, placing it in a different class than Applicants' invention. Therefore, the inventions are patentably distinct. Applicants respectfully request that this rejection of claims 1-23 be withdrawn.

By way of the Office Action mailed March 16, 2006, the Examiner provisionally rejected claims 1-23 on the ground of nonstatutory obviousness-type double patenting over pending Application No. 10/660,982, in light of WO 01/41818. However, the invention of Application No. 10/660,982 is directed to a superabsorbent polymer per se, placing it in a different class than Applicants' invention. Therefore, the inventions are patentably distinct. Applicants respectfully request that this rejection of claims 1-23 be withdrawn.

For the reasons stated above, it is respectfully submitted that all of the presently presented claims are in form for allowance. Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner. Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

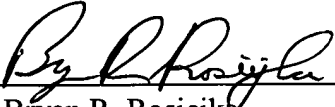
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Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: (920) 721-4405.

Respectfully submitted,

RICHARD N. DODGE II ET AL.

By _____
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CERTIFICATE OF MAILING

I, Bryan R. Rosiejka, hereby certify that on June 16, 2006 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By _____
Bryan R. Rosiejka

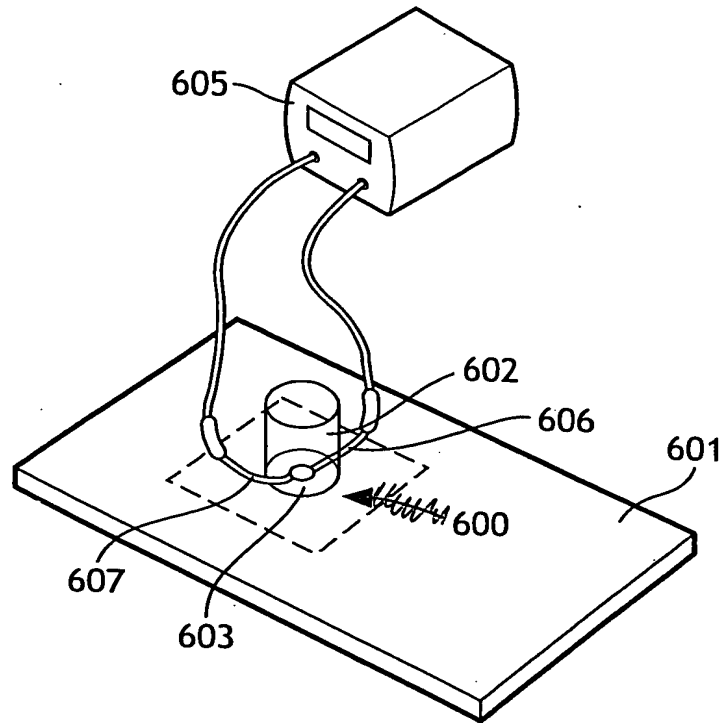


FIG. 7

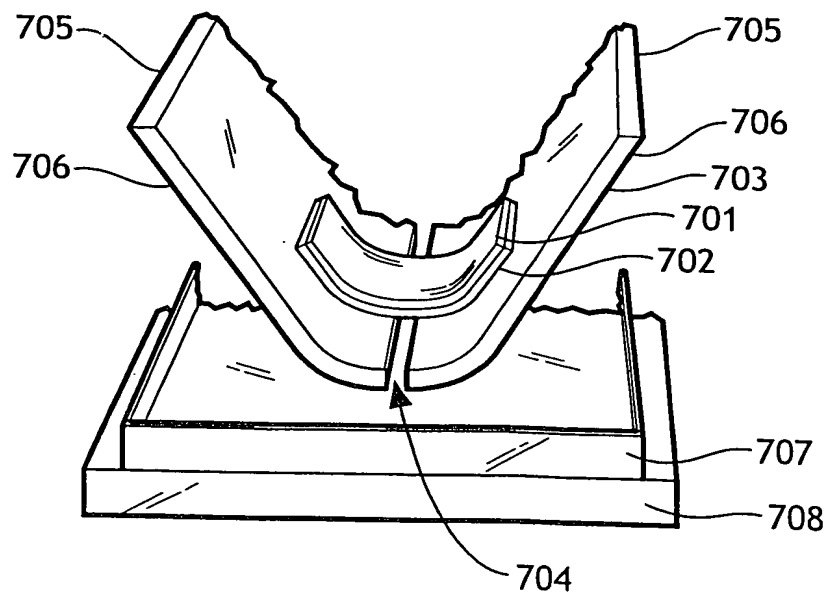


FIG. 8